

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO: 1:17-cv-00244-MR
[Criminal Case No: 1:14-cr-00004-MR-1]**

ROBERT MAILLET,)
Petitioner,)
vs.) **O R D E R**
UNITED STATES OF AMERICA,)
Respondent.)

THIS MATTER is before the Court on Petitioner’s “Notice in Regard to Movant’s § 2255 Motion” [Doc. 8], which the Court construes as a motion to hold this action in abeyance, and Petitioner’s “Motion for an Extension Due to Change of Address” [Doc. 10].

The Government filed its Response to Petitioner’s Motion to Vacate on January 4, 2018. [Doc. 7]. Petitioner had seven days from service of the Government’s Response to file a reply. LCvR 7.1(e). Petitioner filed his motion to hold this action in abeyance on or about January 9, 2018. [Doc. 8]. Petitioner sought a stay because he had been informed of an impending transfer from one federal penitentiary to another, and all of his legal materials had been packed for that move.

On or about February 6, 2018, Petitioner filed the instant motion for an extension of time to reply to the Government’s Response. According to the

motion, Petitioner's transfer took almost a month to complete, but he is now at his final destination. He seeks a 60-day extension of time to file his reply.

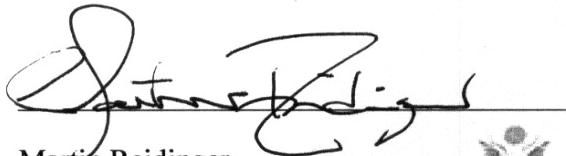
Although the motion for extension of time appears to have been made in good faith and not for the purpose of delay, the time requested is excessive. Accordingly, the Court shall grant the motion in part and deny it in part by providing a 30-day extension of time. The motion to hold this action in abeyance shall be denied as moot.

IT IS, THEREFORE, ORDERED that Petitioner's "Notice in Regard to Movant's § 2255 Motion" [Doc. 8], which the Court construes as a motion to hold this action in abeyance, is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Petitioner's "Motion for an Extension Due to Change of Address" [Doc. 10] is **GRANTED IN PART** and **DENIED IN PART**, nunc pro tunc. Petitioner shall have 30 days from entry of this Order to file a reply to the Government's Response to the Motion to Vacate.

IT IS SO ORDERED.

Signed: February 14, 2018



Martin Reidinger
United States District Judge

